IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 39 OF 2006
IN
WRIT PETITION NO. 6590 OF 2004

Nasik Mahanagar Palika Shramik Sangh ... Petitioner

V/s

Nasik Municipal Corpn. & ors. ... Respondents

Mr. Bhavesh Parmar for the petitioner.

Mr. V.A. Gangal for the Respondent Nos. 1 to 3.

Mr. Sudhir Talsania, Sr. Counsel i/by S.M. Shettigar for the respondent No.4.

CORAM: A.M. KHANWILKAR, J.

DATED: 28TH JULY, 2006

P.C.:

1. Pursuant to the order dated June 29, 2006 the Commissioner has filed further affidavit dated 24th July, 2006. It explains the position with regard to the direction contained in Clause (iii). On enquiry it transpires that the direction contained in that clause has been complied with. There is no reason to doubt the correctness of this stand taken by the Commissioner on affidavit. In that case, the only issue that remains is regarding non-compliance of Clause (v) of the order

passed by the Division Bench dated 7th September, 2004 that every worker who has put in more than 6 months of service shall be paid ex-gratia and bonus as per the circular. The affidavit filed by the Commissioner, which is placed on record, shows that there is no such circular in existence. Even so, the Commissioner has assured before this Court that an amount of Rs.4,000/- per person i.e. total sum of Rs.16 lacs will be earmarked towards that Head. It is also stated that the Commissioner intends to take out appropriate application before the Supreme Court where the appeal is pending against the order dated 7th September, 2004 and ask for necessary clarification. If it is so, it is not a case for proceeding against the respondents in contempt action. All the issues relating to Clause (v) of the order dated 7th September, 2004 passed by the Division Bench will be answered in the proposed application to be taken up by the Commissioner before the Supreme Court in the pending appeal.

2. Counsel for the Contractor respondent No.4 submits that respondent No.4 is not accepting the liability to pay any ex-gratia amount and bonus to the petitioner. Even that aspect will have to be placed before the Supreme Court in the proposed application for

clarification to be filed by the Commissioner. Suffice is to observe that this is not a case for initiating contempt action. Hence the petition is disposed of. Notices issued to the respondent contemnors discharged.

3. The Commissioner shall file proposed application within four weeks from today as per the assurance given to the Court.

.....